
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-03892-JLS-KS

Date: August 25, 2022

Title: Darryl Robinson v. Bayer Corporation et al

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

V. R. Vallery
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

Plaintiffs filed an Amended Complaint (“FAC”) in this action on August 11, 2022, which dropped Bayer Corporation and Bayer Healthcare Pharmaceuticals Inc. as defendants but continued to assert claims against Bayer Healthcare LLC (Doc. 12). As the basis of the Court’s subject matter jurisdiction, the FAC invokes the Class Action Fairness Act (“CAFA”). (FAC ¶ 10.) CAFA “gives federal district courts original jurisdiction over class actions in which the class members number at least 100, at least one plaintiff is diverse in citizenship from any defendant, and the aggregate amount in controversy exceeds \$5 million, exclusive of interest and costs.” *Ibarra v. Manheim Investments, Inc.*, 775 F.3d 1193, 1195 (9th Cir. 2015) (citing 28 U.S.C. § 1332(d)).

The FAC does not sufficiently allege facts establishing that CAFA’s minimal diversity requirement is satisfied here. Plaintiffs are citizens of California (FAC ¶¶ 6–7.) The sole defendant, Bayer Healthcare LLC, “is a Delaware company with its principal place of business in Whippany, New Jersey.” (*Id.* ¶ 8.) When a party is a limited liability company, however, “its citizenship depends on the citizenship of its members rather than its state of incorporation or principal place of business.” *Enteral Prods., LLC v. Meds Direct RX of NY, LLC*, 2015 WL 13284511, at *2 (C.D. Cal. Oct. 26, 2015); *see also Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“[L]ike a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”). Because the FAC does not allege that no members or owners of Bayer Healthcare LLC are citizens of California, it has not established that CAFA’s minimal diversity requirement is met here.

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“Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). As the party invoking federal jurisdiction, Plaintiffs have the burden of establishing that this case lies within the Court’s limited jurisdiction. *See id.*

Accordingly, Plaintiffs are ORDERED to show cause, in writing (no longer than five (5) pages), **within seven (7) days of the date of this Order**, why the Court should not dismiss this action for lack of subject matter jurisdiction. Failure to timely respond will result in the immediate dismissal of the case.

Initials of Preparer: vrv